

AMENDED IN ASSEMBLY MARCH 20, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1754**

**Introduced by Assembly Member Robert Pacheco**

January 13, 2000

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An act to add and repeal Chapter 1.6 (commencing with Section 68300) to Title 8 of the Government Code, relating to courts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1754, as amended, Robert Pacheco. Courts: domestic violence departments.

Existing law establishes the jurisdiction of superior and municipal courts, as specified; prohibits acts of domestic violence, as defined; and provides both civil remedies and criminal penalties for acts of domestic violence.

This bill would require the Judicial Council, as a pilot project, to designate 3 superior or municipal courts, selected as specified, to adjudicate matters pertaining to acts of domestic violence. The bill would provide for ~~the selection of domestic violence cases for~~ adjudication of domestic violence cases by a domestic violence ~~division~~ court, as specified, and would authorize courts participating in the pilot project to ~~establish~~ enact local rules of court ~~regarding~~ granting a judge hearing domestic violence matters discretion to order counseling for parties found to be the perpetrators of domestic violence, and to offer counseling to the victims, as specified. ~~This~~ The bill would authorize the Judicial Council

to provide by rule of court for the offering of domestic violence training for judges assigned to domestic violence courts, and would require the Judicial Council to report to the Legislature regarding the pilot project on or before ~~January~~ July 1, 2003. The provisions of the bill would be repealed on July 1, 2004, unless that date is extended by later-enacted legislation.

The bill would appropriate \$3,600,000 from the General Fund to the Trial Court Trust Fund for disbursement to the courts involved, as specified, and would state the intent of the Legislature to continue that funding in future budget acts.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 1.6 (commencing with Section  
2 68300) is added to Title 8 of the Government Code, to  
3 read:

4  
5 CHAPTER 1.6. DOMESTIC VIOLENCE ~~DIVISIONS~~ COURTS  
6

7 68300. For purposes of this article:

8 (a) "Domestic violence" means any act described in  
9 Section 6211 of the Family Code or Section 12028.5 of the  
10 Penal Code.

11 (b) The population of a county shall be determined  
12 pursuant to the census published by the Department of  
13 Finance in January 1998.

14 68301. (a) As a pilot project, the Judicial Council shall  
15 designate three superior or municipal courts which shall  
16 *each* establish a domestic violence ~~divisions~~ court  
17 pursuant to this chapter.

18 (b) One court shall be selected from each of the  
19 following categories:

20 (1) Counties with a population of more than 9,000,000  
21 persons.

22 (2) Counties with a population of more than 2,000,000  
23 but not exceeding 9,000,000 persons.

(3) Counties with a population of at least 750,000 but not exceeding 2,000,000 persons.

~~(e) The courts selected shall be chosen from those courts that apply to the Judicial Council for consideration for the pilot project established by this chapter on or before February 1, 2001.~~

*(c) The Judicial Council shall establish criteria for the selection of the pilot project courts on or before February 1, 2001.*

(d) The Judicial Council shall give preference in the selection of courts to those courts that voluntarily provided a domestic violence division in calendar year 1999.

~~(e) The Judicial Council shall select the participating courts on or before March 1, 2001 April 1, 2001, from those courts that apply to the Judicial Council by March 1, 2001, for consideration for the pilot project established by this chapter.~~

~~68302. A domestic violence division shall adjudicate For the purposes of this chapter, "domestic violence court" means a department or division of a superior or municipal court that adjudicates matters pertaining to acts of domestic violence, as assigned to the division domestic violence court by the presiding judge. If not all matters pertaining to domestic violence can be expeditiously heard by the domestic violence division, domestic violence cases shall be assigned to the domestic violence division at the discretion of the presiding judge according to priorities established by local rules of court.~~

68303. The Judicial Council shall report to the Legislature on or before ~~January~~ July 1, 2003, on the effectiveness of domestic violence ~~divisions~~ courts in handling matters pertaining to acts of domestic violence, including, but not limited to, expedience, recidivism, and the ongoing safety of family members at risk.

68304. Those courts participating in the pilot project may enact local rules of court, not in conflict with the Rules of Court established by the Judicial Council *or any other provision of law, including, but not limited to, Section 1203.097 of the Penal Code*, that grant the judge

1 hearing—~~such a~~ *the* matter discretion to order—~~separate~~  
2 counseling for parties found to be the perpetrators of  
3 *domestic violence*, and *to offer counseling to parties*  
4 found to be the victims of ~~acts~~ of domestic violence.

5 68305. *The Judicial Council may provide by rule of*  
6 *court for the offering of domestic violence training for*  
7 *judges assigned to domestic violence courts.*

8 68306. This chapter shall remain in effect only until  
9 July 1, 2004, and as of that date is repealed, unless a later  
10 statute enacted after the effective date of this chapter  
11 extends or repeals that date.

12 SEC. 2. There is hereby appropriated from the  
13 General Fund to the Trial Court Trust Fund the sum of  
14 three million six hundred thousand dollars (\$3,600,000),  
15 to be allocated by the Trial Court Budget Commission to  
16 those courts that establish domestic violence—~~divisions~~  
17 *courts* pursuant to this act for expenditure according to  
18 the purposes of this act. It is the further intent of the  
19 Legislature to thereafter incorporate ongoing funding for  
20 these purposes in the annual Budget Act beginning with  
21 the 2001–2002 fiscal year.